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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/613,204

07/03/2003

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17200-098

4597

54205 7590 11/02/2009  
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EXAMINER

JARRETT, SCOTT L

ART UNIT

PAPER NUMBER

3624

MAIL DATE

DELIVERY MODE

11/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/613,204	<b>Applicant(s)</b> ROZELL ET AL.	
	<b>Examiner</b> SCOTT L. JARRETT	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 41-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 41-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Non-Final Office Action is in response to Applicant's request for continued examination and amendments filed October 2, 2009. Applicant's amendment amended claims 1, 2, 4, 7-12, 14-16, 18, 19-22 and added claims 41-44. Currently claims 1-25 and 41-44 are pending.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 2, 2009 has been entered.

#### ***Response to Amendment***

3. The Objection to Claims 4, 7, 12, 14, 18 and 20 in the previous office action is withdrawn in response to applicant's amendments to the claims.

Applicant's amendments necessitated new grounds of rejection.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-25 and 41-44 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 41-43 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Regarding Claim 41, the omitted steps are: what happens when the hotel distance is greater than the distance threshold value.

Regarding Claim 42, Claim 42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 5-6, 8-11, 13-17, and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowh, U.S. Patent Publication No. 2001/0034625 in view of Ramesh et al., U.S. Patent No. 2007/0179791 and further in view of Schneider et al., U.S. Patent No. 5,832,452.

Initially it is noted that the phrase 'hotel' has been given its broadest reasonable interpretation in light of the specification and knowledge to those skilled in the art at the time of the invention, generally the phrase hotel as been interpreted to mean a location where travelers can pay for lodging and meals and other services and/or an establishment that provides paid lodging, usually on a short-term basis.

Regarding Claims 1, 9, 15 and 21 Kwoh teach a system and method for evaluating travel accommodations (cruises/cruise lines) comprising:

- identify a plurality of travel accommodation properties, each associated with a stored property identifier (unique ID for each cruise ship/line; Paragraph 26; Figure 2);

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- receive input to the system (processor) user selection of a desired *one or more rating* input characteristics associated with at least one of the travel accommodation properties, including (*at least one of*) rate competitiveness (FMV – Fair Market Value; Paragraph 26; Figures 6A, 6B), *or* availability (Paragraph 26), *or* location within a cluster (group, town, city, country, state, zip, area, region, vicinity, radius, distance, etc.) *or* quality within a cluster location (Figures 5A-5C; 6a, 6B);
- determine and store a travel accommodation marketability index/score (rating, ranking, evaluation, etc.) for at least one of the hotel properties, the index/score comprising an ordinal quantifier (scale) and based on the desired one or more rating characteristics associated with the one or more hotel properties (i.e. hotel/accommodation ratings, # of stars, hotel ranking Paragraph 37 - "FIG. 5 shows an exemplary database of hotel information...the ranking of the hotel in terms of the number or stars...hotels of a specified number of starts..."; Paragraph 46, "A use may enter the hotel information by selected a give star categorization of a hotel...the hotels maybe subdivided into five-star hotels, four-star hotels .... "; Figure 5, Element 42; Figure 9, Element 80; Figure 10, Element 100).

Kwoh further teaches a processors, a memory in communication with the processor and containing instructions wherein the processors executes program instructions contained in the memory to perform the method steps (Paragraphs 26-29; Figures 1-2).

While Kwoh teaches storing a plurality of data associated with the hotel properties in a database and while it is inherent in that storage that each of the properties must uniquely identifiable for if Kwoh did not uniquely identify the various travel accommodation properties (cruise ships) it would be impossible to compare them, calculate ratings or the like because it would be impossible to distinguish between them in the system/database) associated with a hotel (accommodation) property identifier stored in the memory; Kwoh does not expressly teach a "hotel property identifier" as claimed or more generally that the intended use of the system and method for evaluating travel accommodations is limited to hotel properties as claimed.

Schneider et al. teach the old and very well known and common practice of scoring, rating, ranking or otherwise evaluation on a scale (ordinal or otherwise) travel accommodations, wherein the travel accommodations are hotel properties. More specifically Schneider et al., teach a system and method for evaluating travel accommodations comprising: identifying a plurality of hotel properties, each identified hotel property being associated with a hotel property identifier stored in the memory (Claims Number 1, 7; Figure 1, Element 13; Figure 2, Element 27); and storing a hotel marketability index score (rating) in association with a hotel property identifier corresponding to the at least one of the plurality of hotel properties in memory (hotel index; Claim 1) in an analogous art of evaluating travel accommodations.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for evaluating travel accommodations as taught by Kwoh would have benefited from uniquely identifying the travel accommodations (hotel, cruise, etc.) using a hotel property identifier in view of the teachings of Schneider et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

While Kwoh expressly teaches determining a travel accommodation marketability index based on one or more rating characteristics Kwoh does expressly teach that a user selects the travel accommodation/hotel or subsequently determining the hotel marketability index score based on the user's selected input characteristic (one or more) as claimed.

Ramesh et al. teach a system and method for user custom evaluation any or a plurality of products and/or services suppliers, in an analogous art of product/service evaluation, comprising:

- identify a plurality of products/service suppliers (Paragraph 25; Figures 1, 3, 4);
- receive user selection (input into the system) of a desired one or more rating input characteristics associated with at least one of the suppliers (scoring rule, scoring rule input; Paragraphs 28, 71, 82; Figures 5, 6); the rating input characteristics including



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at least one of the following: price competitiveness, *or* availability, *or* location within a cluster *or* quality within a cluster (Paragraphs 28, 71, 82; Figures 5, 6);

- determine and store by the system (processor) a (marketability) index/score (scoring engine; Paragraphs 8-10, 30; Figures 2) for at least one of the plurality of product/services the score/index comprising an ordinal quantifier and being based on the desired (user inputted) one or more rating input characteristics associated with the one or more products/services (scoring rule; Paragraphs 28, 33, 59; Figures 5, Elements 510, 110);

- wherein the (marketability index) score is determined based on two or more rating input characteristics and one or more of the rating input characteristics associated with one or more of the products/services are selected (Paragraphs 69, 71; Figures 5-6) and weighted more than one or more of the other rating input characteristics such that the marketability score/index is affected (Paragraphs 7, 10; 13, 16, 17, 49, 53).

It would have been obvious to one skilled in the art at the time of the invention that the travel accommodation evaluation system and method as taught by the combination of Kwoh and Schneider et al. would have benefited from enabling users to select (input) a desired rating characteristics and subsequently have the hotel marketability index score be based on the user's selected rating characteristics in view of the teachings of Ramesh et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the

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same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

It is noted that the label used to describe the hotel score/index merely represents non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific label used to describe the score/index associated with the hotel (travel accommodation). Further, the structural elements remain the same regardless of the label used to describe the score/index associated with the hotel (travel accommodation). Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Regarding Claims 2, 10, 16 and 22 Kwoh teaches a system and method wherein two or more of the characteristics associated with one or more hotel (accommodation) properties are selected and weighted more than one or more other characteristics such that the hotel marketability index score (score, ranking, rating, etc.) is affected (Paragraphs 20-21, 35).

Kwoh does not expressly teach the user selecting the rating input characteristics as claimed, and discussed above. Specifically Kwoh does not expressly teach that the

hotel marketability index/score is determined based on two or more rating input characteristics of the rating input characteristics associated with one or more of the hotel properties selected and weighted more than one or more of the other rating input characteristics such that the hotel marketability index/score is affected.

Ramesh et al. teach a system for evaluating products/services wherein the index/score is determined based on two or more rating input characteristics of the rating input characteristics associated with one or more of the hotel properties selected and weighted more than one or more of the other rating input characteristics such that the hotel marketability index/score is affected (Paragraphs 13, 16, 17, 49, 53, 56, 57, 63, 73; Figure 2, Element 118; Figure 5, Element 518).

It would have been obvious to one skilled in the art at the time of the invention that the travel accommodation evaluation system and method as taught by the combination of Kwoh and Schneider et al. would have benefited from enabling users to select (input) a desired rating characteristics and subsequently determining the hotel marketability index score be based on the user's selected rating characteristics and weights in view of the teachings of Ramesh et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claims 3, 11, 17 and 23 Kwoh teach a system and method further comprising: collecting external data associated with one or more travel accommodation (hotel properties) via a communication network the data being used to determine the hotel marketability index/score (Figure 1; Paragraphs 24, 26, 43).

Regarding Claim 5 Kwoh teach a system and method wherein the travel accommodation (hotel) quality is based on a star quality system provided by one or more reviewing entities (Paragraphs 2-4, 17, 19-21, 48).

Regarding Claims 6, 13, 19 and 24 Kwoh teach a system and method wherein the system is accessible via a website that is operable to display one or more web pages to an end user for use in navigating the website, the site including the hotel marketability index/score (Paragraphs 24, 27, 29, 32, 50-51; Figures 5a-5c).

Regarding Claims 8, 14, 20 and 25 Kwoh teach a system and method wherein data associated with the characteristics are normalized (Paragraph 46).

Kwoh does not expressly teach that the system and method further comprises normalize data associated with rating input characteristics wherein the normalizing removes extraneous values included within the data as claimed.

Official notice is taken that normalizing data to remove extraneous data (value), commonly referred to outlier removal is an old, very well known and widely practice mathematical/statistical method wherein detecting and removing outliers in data provides the well known and predictable result of enhancing the value/accuracy of the remaining data/values, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

It would have been obvious to one skilled in the art at the time of the invention that the travel accommodation evaluation system and method as taught by the combination of Kwoh, Ramesh et al. and Schneider et al. would have benefited from the well known mathematical operation/method of removing extraneous data values (outliers) in view of the teachings of official notice, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 44 Ramesh et al., as discussed above, teach a system and method wherein the weighting one or more of the rating input characteristics comprises: selecting rating input characteristics weights based on a hotel property location relative to at least one cluster location; weighting at least two input characteristics based on the

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selected rating input characteristics weights to determine the hotel marketability index score (Paragraphs 13, 16, 17, 49, 53, 56, 57, 63, 73; Figure 2, Element 118; Figure 5, Element 518).

9. Claims 4, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh, U.S. Patent Publication No. 2004/0199429 in view of Ramesh et al., U.S. Patent No. 2007/0179791 and further in view of Schneider et al., U.S. Patent No. 5,832,452 as applied to claims 1, 9, 15 and 21 above, and further in view of Carro, U.S. Patent No. 7,007,228 and Lodging's 400 Top Performers (1992).

Regarding Claims 4, 12, and 18 Kwoh teaches a system and method wherein the cluster location based on geographic information including the location of the travel accommodation/property (ports, regions of travel; Paragraph 41; Figures 6A-6B).

Kwoh does not expressly teach wherein the cluster location is based on geographic longitude and latitude coordinates as claimed.

Carro teaches wherein the cluster location is based on geographic longitude and latitude coordinates (i.e. the old and very well known utilization of geo-coding address, use of Geographic Information System; Column 3, Lines 15-45; Column 5, 35-57; Column 7, Lines 15-18; Column 8, Lines 47-50; Figure 1) in an analogous art of evaluating travel accommodations (e.g. finding travel accommodations in a certain cluster/geographic region) for the purpose of enabling users to find/locate one or more services (e.g. hotels) in a geographic area/region (cluster) without the need to know exact street names, addresses or the like; Column 3, Lines 25-29; Column 5, Lines 36-57).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for evaluating travel accommodations as taught by the combination of Kwoh, Ramesh et al. and Schneider et al. would have benefited from utilizing geographic coordinates (longitude/latitude) in view of the teachings of Carro; the resultant system/method enabling users to identify travel accommodations within a cluster without the need or limitation of specific address information (Carro: Column 3, Lines 25-29; Column 5, Lines 36-57).

Further since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Kwoh does not expressly teach that a cluster radius associated with the cluster location is set based on population density associated with the cluster location as claimed.

Lodging's 400 teaches associating the population density with a cluster location (i.e. basing the cluster location - airport, highway, resort, etc.) based on the population density of the hotel's location (Paragraph 1, Page 25; Tables Pages 31, 33) as a mechanism for evaluating travel locations within a cluster (population region/density; Page 25).



It would have been obvious to one skilled in the art at the time of the invention that the system and method as taught by the combination of Kwoh, Ramesh et al. and Schneider et al. would have benefited from associating/utilizing the population density with a cluster location in view of the teachings of Lodging's 400, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

It is noted that the cluster radius merely represents non-functional descriptive material wherein the cluster radius is determined/calculated by never used by/in the invention as claimed. More specifically the cluster radius represents non-functional descriptive material and is not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data calculated. Further, the structural elements remain the same regardless of the specific data calculated by not used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

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10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh, U.S. Patent Publication No. 2004/0199429 in view of Ramesh et al., U.S. Patent No. 2007/0179791 and further in view of Schneider et al., U.S. Patent No. 5,832,452 as applied to claims 1, 9, 15 and 21 above, and further in view of Young et al, U.S. Patent Publication No. 2004/00098287.

Regarding Claim 7 while the modifying of data contained on websites by system administrators' is old and very well known Kwoh does not expressly teach that a system administrator modifying the data as claimed.

Young et al. teach a system and method for evaluating travel accommodations further comprising a system administrator modifying the hotel index/score (Paragraph 0030) in an analogous art of evaluation travel accommodations for the purpose of enabling system administrators override hotel property scores/index which does not reflect the system administrators understanding/desired score/index (override; Paragraph 0030).

Young et al. further teach a system and method for evaluating travel accommodations comprising: collecting a plurality of hotel property characteristics (price, availability, location, cluster, etc.), generating a marketability index for each of the one or more hotel properties, ranking the hotel properties based on one or more weighted hotel property characteristics (rating analysis, weighting analysis (Paragraphs 0009, 0014, 0030-0032, 0040) and displaying the hotel index/score.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for evaluating travel accommodations as taught by Kwoh would have benefited from enabling one or more users (e.g. system administrators) to modify the hotel property score/index in view of the teachings of Young et al.; the resultant system/method enabling system administrators to override an existing hotel property index/score (Young et al.: Paragraph 0030).

Further it is noted that who 'actually' modifies the hotel index/score/rating merely represents non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of who edits/modifies data related to the hotel properties. Further, the structural elements remain the same regardless of who edits/modifies data related to the hotel properties. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

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11. Claims 41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh, U.S. Patent Publication No. 2004/0199429 in view of Ramesh et al., U.S. Patent No. 2007/0179791 and further in view of Schneider et al., U.S. Patent No. 5,832,452 as applied to claims 1, 9, 15 and 21 above, and further in view of Wills, U.S. Patent No. 5,893,093.

Regarding Claim 41 Kwoh does not expressly teach the steps of associating a hotel property with a cluster as claimed.

Wills teach a system and method for evaluating travel accommodations (Column 7, Lines 37-41) comprising:

- associating the hotel property of the plurality of hotel properties with a cluster location by (Geographical Index; Column 3, Lines 38-40; Column 5, Lines 65-68; Column 6, Lines 1-15; Figures 1, 3, 7):
  - selecting a cluster center (city, coordinates, Mark A, Mark B; Column 4, Lines 1-1-25; Column 5, Lines 38-68; Column 6, Lines 1-55; Figure 6);
  - querying a database threshold value (distance, radius; Column 7, Lines 24-27);
  - determining a hotel distance between a position of the hotel property and the cluster (vicinity, proximity, etc.; Column 6, Lines 1-55; Column 7, Lines 37-41); and
  - associating the hotel with the cluster location if the hotel distance is less than the distance threshold (Column 6, Lines 1-55; Column 7, Lines 37-41; Figures 3, 7).

It would have been obvious to one skilled in the art at the time of the invention that the travel accommodation system and method as taught by the combination of Kwoh, Ramesh et al., and Schneider et al. would have benefited from associating a hotel with a location based on a distance threshold (proximity) in view of the teachings of Wills, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 43 Kwoh does not expressly teach that the marketability score/index is based on a hotel distance as claimed.

Wills teach identifying/listing, based on distance/hotel location, hotels that meet the user's desired input characteristics (e.g. specified distance from a particular location or landmark; Column 6, Lines 1-55; Column 7, Lines 37-41).

It would have been obvious to one skilled in the art at the time of the invention that the travel accommodation system and method as taught by the combination of Kwoh, Ramesh et al., and Schneider et al. would have benefited from including rating a hotel based on its proximity in view of the teachings of Wills, since the claimed invention is merely a combination of old elements, and in the combination each element merely

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would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

### **Examiner's Note**

The instant application may disclose patentable subject matter however not all of the disclosed potentially patentable subject matter is recited in the claims. An interview with the examiner may be productive.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT L. JARRETT whose telephone number is (571)272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Scott L Jarrett/

Primary Examiner, Art Unit 3624